

Appl. No. 10/705,327
Any. Docket No. AA547C
Amdt. dated 07/21/05
Customer No. 27752

REMARKS

Claim Status

Claims 1 - 11 are pending in the present application. No additional claims fee is believed to be due.

Claim 1 has been amended to specify that the composition has a viscosity prior to applying shear of from about 100 to about 6,000 mPs-s. Support for this amendment is found on page 5, lines 2-4 of the specification.

It is believed this change does not involve any introduction of new matter. It is further believed that this amendment places the application in better condition for allowance. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §103(a) Over Evans et al. (U.S. 5,750,122), in further view of Tsunetsugu et al. (WO 00/61083) and of JP 002188044.

Claims 1-11 have been rejected under 35 USC §103(a) as being obvious in view of Evans et al. (U.S. 5,750,122, hereinafter "Evans"), in further view of Tsunetsugu et al. (WO 00/61083, hereinafter "Tsunetsugu"), in further view of JP 61100514. The present invention relates to transparent skin care compositions having improved shear thinning properties, improved feel, and effective control of skin oil, or sebum, production. The Office Action asserts that Example 21 of Evans, combined with Example 1 of Tsunetsugu and with the cellulose taught in JP 61100514, renders the present invention obvious. Applicants traverse, and respectfully request consideration of the following arguments which Applicants feel address the bases for final rejection in the Office Action of April 1, 2005.

In response to Applicants' argument that the references fail to teach or suggest a viscosity that gives rise to shear-thinning, the Office Action asserts that Applicants are relying on features not recited in the instant claims. Applicants have amended the instant claims to specify that the viscosity of the compositions prior to applying shear is from about 100 to about 6,000 mPs-s. When the compositions of the present invention have a viscosity in this range, the compositions exhibit the shear-thinning that is not taught in the cited art. Applicants therefore assert that with this amendment, the rejection is overcome.

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In response to Applicants' argument that the compositions taught by Evans are emulsions, and provide no indication of transparency, the Office Action asserts that emulsions also may be transparent. However, it is Applicants' assertion that these particular emulsions provide no indication of transparency. Example 21 contains stearyl alcohol, cetyl alcohol, steareth 100 and distearyl dimethyl ammonium chloride. In Applicants' experience, such compositions would not result in a transparent emulsion under conventional mixing conditions. Example 21 provides no instructions or other indications that lead one of skill in the art to believe that the resulting compositions are transparent. In contrast, Applicants' recite in Claim 9 a process of preparing compositions having an absorbance of no more than about 2 at a wave length of 340nm, and clearly indicate a process other than the mixing taught in Evans. Because the cited art fails to teach or suggest this claim limitation, Applicants respectfully request that this rejection be reconsidered and withdrawn.

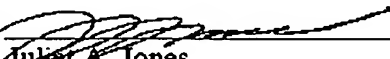
Conclusion


In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C 103(a). Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1 - 11 is respectfully requested.

Respectfully submitted,

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, 2005
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